

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-905-T - ORDER NO. 95-1409
AUGUST 7, 1995

IN RE: Application of Coastal Rapid Public) ORDER
Transit Authority for a Class A) DENYING
Certificate of Public Convenience) REQUEST
and Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of The Great American Trolley Company (Great American) for a Commission determination of whether the continued operation of Coastal Rapid Public Transit Authority (CRPTA) is legal and for the issuance on a Cease and Desist Order if the Commission rules that CRPTA's operation is not legal.

On July 19, 1995, Great American requested the Commission to issue a written letter stating whether the Commission considers CRPTA's continued operation is legal. Great American states in its request that CRPTA is operating numerous routes in the Myrtle Beach area, and that CRPTA has no license from the Commission to operate in the Myrtle Beach area. Great American also requests that the Commission issue a Cease and Desist Order if the Commission finds that CRPTA's operation is not legal.

CRPTA filed a response to Great American's request. CRPTA states in its response that when initially formed, CRPTA operated

under Class A Certificate of Public Convenience and Necessity No. 84-762. Later, CRPTA's Certificate of Public Convenience and Necessity was cancelled by the Commission. CRPTA also enclosed correspondence between CRPTA and the Commission Staff where the Commission Staff reimbursed CRPTA for fees paid to the Commission. This correspondence, and reimbursement of fees, followed an opinion from the Attorney General's Office concerning CRPTA's status. Apparently, either CRPTA or the Commission Staff, or both, considered that the Attorney General's opinion excluded CRPTA from Commission authority. CRPTA also stated that it has reapplied for Class A Certificate of Public Convenience and Necessity.

The Commission is aware of CRPTA's operations in Horry and Georgetown Counties and is also mindful of the confusion which surrounds the status of CRPTA and its lack of a Certificate of Public Convenience and Necessity. Previously, in Order No. 95-1254, dated June 20, 1995, (issued in Docket No. 94-664-T), the Commission stated that it believes that CRPTA needs a Certificate of Public Convenience and Necessity. (Order No. 95-1254, p. 5). The Commission is further aware that CRPTA has reapplied for a Certificate of Public Convenience and Necessity and that CRPTA is awaiting a hearing on its pending Application.


Upon careful consideration of this matter, the Commission declines to issue a Cease and Desist Order, as the Commission believes that it is not in the public interest to issue a Cease and Desist Order at this time.

IT IS THEREFORE ORDERED THAT:

1. The request of Great American for a letter concerning CRPTA's status and a Cease and Desist Order is denied and dismissed.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION.


Chairman

ATTEST:


Executive Director

(SEAL)